IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 882 OF 2006.
IN
CRIMINAL APPLICATION NO. 2072 OF 2006.

Ispat Finance Ltd. ... Applicant.
Versus.
Elar Fashions Ltd. and others. ... Respondents.

Shri Ganesh Gole with Ms.Rashmi Gangwani for the Applicant.

Shri S.V.More, A.P.P. for the Respondent-State.

CORAM : ABHAY S.OKA, J.

DATED : 18th December, 2006.

P.C.:

1. The Applicant in Criminal Application No.2072 of 2006 has filed this application praying that the notice of the 1st, 2nd and 4th Respondents be permitted to be published in a local newspaper.

2. Criminal Application No.2072 of 2006 is filed under section 378(4) of the Code of Criminal Procedure 1973. The Court had issued notice on the said application. Office noting shows that the 2nd Respondent in the said Application could not be served with the notice as it is reported that the 2nd Respondent is not available in his residential flat as the said flat has been attached by the Debt Recovery Tribunal. Therefore, it is contended that the notice cannot be served in the ordinary manner. The Respondents Nos.1 and 4 are also not served.

Considering the averments made in the Application, the same deserves to be allowed.

3. Hence the following order is passed:

i) Notice of Criminal Application No.2072 of 2006 to the Respondent No.1, 2 and 4 be served by publishing the same in the Mumbai Edition of the Free Press Journal. In addition to the service by publication in the newspaper, notice will be served in accordance with the provisions of section 65 of the Code of Criminal Procedure, 1973.

ii) Notice is made returnable on 15th January 2007. The Advocate for the Applicant will file on record sufficient number of copies of the newspaper on or before 13th January 2007.

iii) The Application is disposed of accordingly.

Judge.